

FILED IN CLERK'S OFFICE  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT  
OF GEORGIA

2020 JUL 31 PM 4:08

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

BY M. REGINA THOMAS  
CLERK  
DEPUTY CLERK

**IN RE:** )  
 )  
**MICHAEL SHANNON ARP,** ) **CHAPTER 13**  
 )  
**Debtor.** ) **CASE NO. 20-40924-PWB**  
 )  
 ) **JUDGE BONAPFEL**

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**OBJECTION TO PLAN CONFIRMATION  
AND MOTION FOR RELIEF FROM AUTOMATIC STAY**

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COMES NOW SEVEN HILLS RENTALS, INC. ("Seven Hills") and files this objection to plan confirmation of the Debtor's proposed Chapter 13 Plan and moves this Court for relief from the automatic stay and shows the Court as follows:

**BACKGROUND**

1.

The Debtor, Michael Shannon Arp, entered a rental agreement with Seven Hills in October of 2018 to lease the premises located at 25A Conifer Ring, Rome, Georgia 30165.

2.

In accordance with the Debtor's rental agreement, he is obligated to pay rent in the amount of \$575.00 per month on a month-to-month basis.

3.

The Debtor has failed or refused to pay rent since March of 2020 and continuing each month since the Debtor's filing of this bankruptcy. A true and correct copy of the Debtor's lease ledger is attached hereto as **Exhibit "A."**

4.

As a result, the Debtor owes Seven Hills the total amount of \$4,034.52. Such amount will continue to grow each month the Debtor does not make rental payments to Seven Hills while continuing to occupy the premises.

**I. Objection to Plan Confirmation**

5.

The Debtor filed his Amendment to Schedule G (Doc. 21) wherein the Debtor expressly assumed his lease and rental obligations to Seven Hills on 6/29/2020.

6.

In reviewing the Debtor's proposed Plan, the Debtor has failed or refused to include the rental obligation arrearage owed to Seven Hills in his Chapter 13 plan.

7.

Seven Hills, as the lessor of a lease in which the Debtor has expressly assumed, is entitled to payment of the arrearage owed by the Debtor as of the petition date. 11 U.S.C. § 365(d)(2).

8.

As of the petition date, the Debtor owed Seven Hills the total sum of \$2,236.58, representing past due rent and late fees. Seven Hills is entitled to payment of the past due arrearage as part of the Debtor's Chapter 13 Plan.

## **II. Motion for Relief from Stay to Pursue State Law Remedies**

9.

Since the petition date, the Debtor has incurred an additional \$1,797.94 in past due rent.

10.

As a result of the Debtor's non-payment of rent accruing after the petition date, Seven Hills is entitled to relief from the automatic stay to pursue its rights and remedies in state court to reclaim the premises currently occupied by the Debtor at 25A Conifer Ring, Rome, Georgia 30165.

WHEREFORE, based on the foregoing, Seven Hills Rentals, Inc. respectfully requests:

(a) that a hearing be held on Seven Hills' objection to plan confirmation and motion for relief from the automatic stay;

(b) that the Court would deny the confirmation of the Debtor's proposed plan based upon his failure to include the arrearage owed to Seven Hills pre-petition

or, in the alternative, require the Debtor to modify his Plan to allow for arrearage payments to Seven Hills for the amount owed to Seven Hills pre-petition;

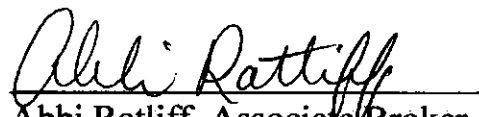
(c) that the Court would grant Seven Hills relief from the automatic stay to pursue its rights with respect to the premises located at 25A Conifer Ring, Rome, GA 30165 in state court, including pursuing a dispossessory action against the Debtor;

(d) that the Court would waive the 14-day stay of an order granting Seven Hills relief from the automatic stay pursuant to Fed. R. Bank. 4001(a)(3); and

(e) that the Court would grant it any such other and further relief that this Court deems just and proper.

Respectfully submitted,

SEVEN HILLS RENTALS, INC.

A handwritten signature in cursive script, reading "Abbi Ratliff", is written over a horizontal line.

Abbi Ratliff, Associate Broker  
176 E. 2<sup>nd</sup> Street  
Rome, Georgia 30161  
[abbi@sevenhillsrentals.com](mailto:abbi@sevenhillsrentals.com)  
(706) 295-3733

**CERTIFICATE OF SERVICE**

I, Abbi Ratliff, hereby certify that I have this day filed the foregoing **OBJECTION TO PLAN CONFIRMATION AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY** with the Clerk and the Clerk has electronically filed the same for service to all parties of interest this 31<sup>st</sup> day of July, 2020.

  
Abbi Ratliff

**Tenant Ledger**

**Tenants:** Michael S. Arp

**Mobile:** (678) 901-7945

**Mobile:** (678) 274-8873

**Unit:** A

**Property:** 25 Conifer Ring Rome, GA 30165

**Status:** Current

**Move in date:** 07/01/2019

**Move out date:** --

**Lease Expiration:** 10/31/2019

**Rent:** 575.00

**Deposit Paid:** 575.00

**EXHIBIT A**

Date	Payer	Description	Charges	Payments	Balance
Starting Balance					0.00
10/05/2018		Application Fee Income	35.00		35.00
10/05/2018	Tiffany M. Mayo	Credit Card Payment (Reference #1NCO-BJRU)		35.00	0.00
10/11/2018		Mgmt Held Security Deposits - Move In Charge: Mgmt Held Security Deposits	575.00		575.00
10/12/2018		Rent Income - Move In Charge: Rent Income	370.97		945.97
10/12/2018	Tiffany M. Mayo	Payment (Reference #2081033787)		575.00	370.97
10/12/2018	Tiffany M. Mayo	Payment (Reference #20797861045)		370.97	0.00
10/29/2018	Tiffany M. Mayo	ACH Payment (Reference #F6D4-964C)		575.00	-575.00
11/01/2018		Rent Income - November 2018	575.00		0.00
11/28/2018	Tiffany M. Mayo	ACH Payment (Reference #565B-A356)		575.00	-575.00
12/01/2018		Rent Income - December 2018	575.00		0.00
12/30/2018	Tiffany M. Mayo	ACH Payment (Reference #64ED-5EE0)		575.00	-575.00
01/01/2019		Rent Income - January 2019	575.00		0.00
01/20/2019	Tiffany M. Mayo	ACH Payment (Reference #92E7-ACC6)		575.00	-575.00
02/01/2019		Rent Income - February 2019	575.00		0.00
02/24/2019	Tiffany M. Mayo	ACH Payment (Reference #810D-338C)		575.00	-575.00
03/01/2019		Rent Income - March 2019	575.00		0.00
03/27/2019	Tiffany M. Mayo	ACH Payment (Reference #592E-564C)		575.00	-575.00
04/01/2019		Rent Income - April 2019	575.00		0.00
04/25/2019	Tiffany M. Mayo	ACH Payment (Reference #55BB-6226)		575.00	-575.00
05/01/2019		Rent Income - May 2019	575.00		0.00
05/28/2019	Tiffany M. Mayo	ACH Payment (Reference #EF31-9B52)		575.00	-575.00
06/01/2019		Rent Income - June 2019	575.00		0.00
07/01/2019	Michael S. Arp	Payment (Reference #2106348650)		575.00	-575.00
07/01/2019		Rent Income	575.00		0.00
08/01/2019		Rent Income - August 2019	575.00		575.00
08/06/2019		Late Fee - Late Fee for Aug 2019	57.50		632.50
08/07/2019	Michael S. Arp	Payment (Reference #17983894267)		575.00	57.50
08/11/2019	Michael S. Arp	Payment (Reference #6975696113)		57.00	0.50
09/01/2019		Rent Income - September 2019	575.00		575.50
09/06/2019		Late Fee - Late Fee for Sep 2019	57.55		633.05
09/20/2019	Michael S. Arp	Payment (Reference #17683146048)		300.00	333.05
09/27/2019	Michael S. Arp	Payment (Reference #17683146165)		234.00	99.05
10/01/2019		Rent Income - October 2019	575.00		674.05

Date	Payer	Description	Charges	Payments	Balance
10/06/2019		Late Fee - Late Fee for Oct 2019	67.41		741.46
10/14/2019		Passthru Administrative Fees - admin fee	35.00		776.46
10/14/2019		Passthru Dispossessory/Garnishment Fees - dispo	95.00		871.46
10/31/2019	Michael S. Arp	Payment (Reference #17686018554)		1,000.00	-128.54
10/31/2019	Michael S. Arp	Payment (Reference #17686018555)		446.46	-575.00
11/01/2019		Rent Income - November 2019	575.00		0.00
12/01/2019		Rent Income - December 2019	575.00		575.00
12/06/2019		Late Fee - Late Fee for Dec 2019	57.50		632.50
12/23/2019	Michael S. Arp	Payment (Reference #19046611107)		632.50	0.00
01/01/2020		Rent Income - January 2020	575.00		575.00
01/06/2020		Late Fee - Late Fee for Jan 2020	57.50		632.50
01/21/2020		Passthru Administrative Fees - admin fee	35.00		667.50
01/21/2020		Passthru Dispossessory/Garnishment Fees - dispo	95.00		762.50
02/01/2020		Rent Income - February 2020	575.00		1,337.50
02/03/2020	Michael S. Arp	Payment (Reference #19061493299)		762.50	575.00
02/06/2020		Late Fee - Late Fee for Feb 2020	57.50		632.50
02/07/2020		Passthru - Credit Card Fee - credit card fee	31.63		664.13
02/12/2020		Passthru Administrative Fees - admin fee	35.00		699.13
02/12/2020		Passthru Dispossessory/Garnishment Fees - dispo	95.00		794.13
03/01/2020		Rent Income - March 2020	575.00		1,369.13
03/02/2020	Michael S. Arp	Payment (Reference #19046613703)		794.13	575.00
03/06/2020		Late Fee - Late Fee for Mar 2020	57.50		632.50
04/01/2020		Rent Income - April 2020	575.00		1,207.50
04/06/2020		Late Fee - Late Fee for Apr 2020	120.75		1,328.25
04/20/2020		Passthru Dispossessory/Garnishment Fees - dispo	95.00		1,423.25
04/20/2020		Passthru Administrative Fees - admin fee	35.00		1,458.25
05/01/2020		Rent Income - May 2020	575.00		2,033.25
05/06/2020		Late Fee - Late Fee for May 2020	203.33		2,236.58
06/01/2020		Rent Income - June 2020	575.00		2,811.58
06/06/2020		Late Fee - Late Fee for Jun 2020	281.16		3,092.74
07/01/2020		Rent Income - July 2020	575.00		3,667.74
07/06/2020		Late Fee - Late Fee for Jul 2020	366.78		4,034.52
<b>Total</b>					<b>4,034.52</b>